

1 Dan M. Winder, Esq.
3507 West Charleston Blvd.
2 Las Vegas, NV 89102
Nev. Bar No. 1569
3 (702) 878-6000
Attorney for the Defendant
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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 vs.)

11 TERRY LOMAX,)

12 Defendant.)
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15)

Case No.: 2:17-cr-0262-JAD-PAL

STIPULATION TO CONTINUE
TIME FOR FILING MOTIONS
(First Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Steve W. Myhre,
17 Acting United States Attorney, Frank Johan Coumou, United States Attorneys, counsel for
18 the United States of America and Dan M.Winder, Esq., counsel for defendant LOMAX:
19 THAT THE PRETRIAL MOTIONS SCHEDULE TO BE SUBMITTED 12/15/17, be
20 extended by one week to 12/22/17, the response to 01/05/18, and the reply to 01/12/18.
21 That this is necessary for the reasons listed below.
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1 1. On August 15, 2017, a federal grand jury sitting in Las Vegas returned an
2 indictment charging the defendant with 18 U.S.C. 922(g)(1)-Felon in Possession of a Firearm
3 and Ammunition.

4 2. On October 26, 2017, the Defendant was arraigned. The current motion schedule is set for:
5 motions by 12/15/17, response by 12/29/17, and reply by 01/05/18.

6 3. Both the Government and the Defendant agree that an extension of one week for motions
7 will promote the means of justice.

8 4. The Defendant is incarcerated in Pahrump. The Defendant is very active in the defense of his
9 case. The fact that the Defendant is incarcerated over one hour away has hampered
10 Mr. Winder's communication with the Defendant in preparation of motions.

11 5. All parties agree to the continuance.

12 6. Defendant LOMAX is detained and agrees to the continuance as discussed above.

13 7. Additionally, denial of this request for an extension to file motions could result in a
14 miscarriage of justice, in that the Defense counsel needs additional time to communicate
with client due to the distance involved.

15 8. The trial is currently scheduled for February 6, 2018, and this extension would not affect
16 this trial date.

17 9. This is the first request for an extension to file motions.

DATED this 15th day of December, 2017.

18 /s/STEVEN W. MYHRE
19 Acting United States Attorney

20 /s/Frank Coumou
21 Assistant United States
Attorney

22 /s/Dan M. Winder, Esq.
23 Counsel for Defendant Hylton
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6 UNITED STATES DISTRICT COURT
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8 UNITED STATES OF AMERICA,)

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10 vs.)

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ORDER TO CONTINUE
TIME FOR FILING MOTIONS
(First Request)

16 FINDINGS OF FACTS

17 1. Defendant's deadline for filing motions in the above is currently 12/15/18, with the
18 Government's response due 12/29/17, and any reply 01/05/18.

19 2. That the Defendant is incarcerated in Pahrump over one hours travel time from his
attorney, Dan M. Winder, Esq.

20 3. That the Defendant, and due diligence requires that the Defendant be a part of his
21 defense, and distance involved has hampered the attorney in communicating.

22 4. That the denial of this extension would deny the Defendant sufficient time and
23 opportunity to effectively and thoroughly prepare his motion, taking into account
the exercise of due diligence. Denial of this request would result in a miscarriage of justice.

24 5. This is the first request for an extension of time in which to file motions.

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